

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

FEBRUARY 18, 2003

RESPONSIBLE STAFF:

City Manager's Office and
Planning & Code Administration
Staff -Trudy Schwarz Presenting

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
<input checked="" type="checkbox"/>	Public Hearing **Joint**
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	01/29/2003
	02/05/2003
	02/08/2003
	02/12/2003
Hearing Date	02/18/2003
Record Held Open	
Policy Discussion	

TITLE: Z-291(A)

Joint Public Hearing on Z-291, Map Amendment for Hidden Creek Land Bay III

SUPPORTING BACKGROUND:

Hidden Creek I, LLC, Sandler at Hidden Creek LLC, Hidden Creek II, LLC and Churchill Development Corporation, ("applicants"), are requesting to amend the approved Zoning Map Amendment Application Z-291 by reducing the unit count from **727 dwelling units** (18 Single Family Detached, 146 Single Family Attached, 112 2-over-2 Condominium and 451 Multi-Family Apartment Units) to **462 dwelling units** (16 Single Family Detached, 330 Single Family Attached, and 116 2-over-2 Condominium Units) in accordance with §24-196 of the City Code (map amendments).

The subject property, known as Hidden Creek Land Bay III, is located east of Goshen Road, between Mid-County Highway and Girard Street and consists of approximately 56 acres. The subject property was part of the June 7, 1971 annexation resolution R-21-71 for X-096 authorizing the annexation of approximately 169 acres of land. On May 21, 2001, the Mayor and City adopted the Ordinance O-8-01 approving the map amendment application Z-291 to rezone the 56 acres of land known as Hidden Creek Land Bay III to the MXD (Mixed Use Development) Zone and a sketch plan depicting 727 dwelling units.

Following the joint public hearing, the application proceeds to the Planning Commission for a recommendation to the Mayor and Council. The application along with the Planning Commission is forwarded to the Mayor and City Council for policy discussion followed by the adoption of a resolution that reflects the decision of the Mayor and City Council.

Attached:

List of Exhibits (Exhibits in **Bold** are attached)

DESIRED OUTCOME:

Planning Commission Hold Record Open until March 6, 2003

Mayor and Council to Hold Record Open until April 1, 2003

INDEX OF MEMORANDA
Z-291(A)

No.

- 1) **Letter requesting publication of the Legal Advertisement in the January 29, 2003 and February 5, 2003 edition of the *Gaithersburg Gazette***
- 2) Amended Sketch Plan, Land Use
- 3) Amended Sketch Plan, Green Area
- 4) Amended Sketch Plan, Internal Roads
- 5) Amended Sketch Plan, Circulation Systems
- 6) **Letter requesting publication of the Legal Advertisement in the February 7-9, 2003 Weekend and February 12, 2003 edition of the *Gaithersburg Gazette***
- 7) **Mayor and City Council Ordinance O-8-01 approving application Z-291**
- 8) **Notice of Public Hearing as sent to properties within 200' on February 10, 2003**
- 9) **Reduced version of Amended Sketch Plan, Land Use, Exhibit #2**
- 10) **Application for Amendment to Zoning Map, Sketch Plan received Feb. 12, 2003**

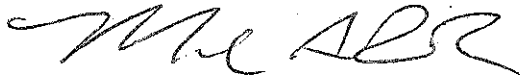
January 27, 2003

Bonnie Geiger
Law Section
The Gaithersburg Gazette
P.O. Caller 6006
Gaithersburg, Maryland 20884

Dear Ms. Geiger:

Please publish the following legal advertisement in the **January 29, 2003 and February 5, 2003** issues of the Gaithersburg Gazette.

Sincerely,



Mark A. DePoe
Planner

ASSIGN CODE: Z-291(A)

ACCT. NO. 133649

NOTICE OF JOINT PUBLIC HEARING

The Mayor and City Council and the Planning Commission of the City of Gaithersburg, Maryland, will conduct a joint public hearing on an amendment to Zoning Map Amendment Application Z-291(A), filed by Larry A. Goldstein, Odyssey Development, L.L.C. (applicant) and Betty Brown Casey Trust (owner), on

MONDAY
February 18, 2003
AT 7:30 P.M.

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The request is to amend the approved Zoning Map Amendment Application Z-291 by reducing the unit count from 727 dwelling units (18 Single Family Detached, 146 Single Family Attached, 112 2-over-2 Condominium and 451 Multi-Family Apartment Units) to 462 dwelling units (16 Single Family Detached, 330 Single Family Attached, and 116 2-over-2 Condominium Units) on approximately 56 acres of land in accordance with §24-196 of the City Code (map amendments). The property was annexed into the City of Gaithersburg in 1971 by Resolution No. R-21-71 and rezoned to MXD (Mixed Use Development) in 2001 by Ordinance O-8-01. The subject property is located east of Goshen Road, between Mid-County Highway and Girard Street.



Further information is available from the Department of Planning and Code Administration at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Mark DePoe
Planner



Gaithersburg
A CHARACTER COUNTS! CITY

FAX TRANSMITTAL FORM

SEND TO: BONNIE GEIGER
GAITHERSBURG GAZETTE

FAX NO.: 301-670-7136

FROM: MARK DEPOE
PLANNING & CODE ADMINISTRATION

FAX NO.: 301-258-6336

TELEPHONE NO.: 301-258-6330

DATE: 01/27/2003 TIME: 2:30 PM

NO. OF PAGES ATTACHED: 3

MESSAGE: **ADVERTISEMENTS FOR PUBLIC HEARING FOR THE
JANUARY 29, 2003 and FEBRUARY 5, 2003, ISSUES OF THE
GAITHERSBURG GAZETTE.**

THANK YOU.

**IF YOU EXPERIENCE DIFFICULTY IN RECEIVING THIS TRANSMISSION,
PLEASE CALL 301-258-6330**

City of Gaithersburg | 31 South Summit Avenue | Gaithersburg, MD 20877-2098
plancode@ci.gaithersburg.md.us www.ci.gaithersburg.md.us

MAYOR
Sidney A. Katz

CITY COUNCIL MEMBERS
Stanley J. Alster
Sharon B. Bohrer
Charles F. Davis
Geraldine E. Edens
Ann T. Somerset

CITY MANAGER
David B. Humpton

February 5, 2003

Karey Major
Law Section
The Gaithersburg Gazette
P.O. Caller 6006
Gaithersburg, Maryland 20884

Dear Ms. Major:

Please publish the following legal advertisement in the **February 7-9, 2003 WEEKEND** and **February 12, 2003** issues of the Gaithersburg Gazette. *This is a correction to the January 29, 2003 and February 5, 2003 advertisements.*

Sincerely,



Mark A. DePoe
Planner

ASSIGN CODE: Z-291(A)

ACCT. NO. 133649

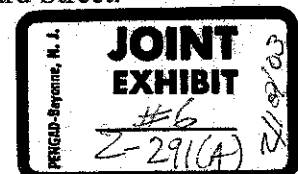
NOTICE OF JOINT PUBLIC HEARING

The Mayor and City Council and the Planning Commission of the City of Gaithersburg, Maryland, will conduct a joint public hearing on the amendment Z-291(A) to Zoning Map Amendment Application Z-291, filed by **Hidden Creek I, LLC, Sandler at Hidden Creek LLC, Hidden Creek II, LLC and Churchill Development Corporation**, on

TUESDAY
February 18, 2003
AT 7:30 P.M.

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The request is to amend the approved Zoning Map Amendment Application Z-291 by reducing the unit count from 727 dwelling units (18 Single Family Detached, 146 Single Family Attached, 112 2-over-2 Condominium and 451 Multi-Family Apartment Units) to 462 dwelling units (16 Single Family Detached, 330 Single Family Attached, and 116 2-over-2 Condominium Units) on approximately 56 acres of land in accordance with §24-196 of the City Code (map amendments). The property was annexed into the City of Gaithersburg in 1971 by Resolution No. R-21-71 and rezoned to MXD (Mixed Use Development) in 2001 by Ordinance O-8-01. The subject property is located east of Goshen Road, between Mid-County Highway and Girard Street.



Further information is available from the Department of Planning and Code Administration at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Mark DePoe
Planner



Gaithersburg
A CHARACTER COUNTS! CITY

FAX TRANSMITTAL FORM

SEND TO: KAREY MAJOR
GAITHERSBURG GAZETTE

FAX NO.: 301-670-7136

FROM: MARK DEPOE
PLANNING & CODE ADMINISTRATION

FAX NO.: 301-258-6336

TELEPHONE NO.: 301-258-6330

DATE: 02/06/2003 TIME: 11:05 AM

NO. OF PAGES ATTACHED: 3

MESSAGE: **ADVERTISEMENTS FOR PUBLIC HEARING FOR THE
FEBRUARY 12, 2003 ISSUE OF THE GAITHERSBURG GAZETTE.**

THESE ADVERTISEMENTS ARE A CORRECTION FROM THE
VERSIONS SENT ON WEDNESDAY, FEBRUARY 5, 2003. THE
CHANGE IS TO THE FILED BY NAME AT THE END OF THE
FIRST PARAGRAPH FOR EACH AD.

THANK YOU.

CHANGES ARE IN BOLD

ORDINANCE NO. 0-8-01

AN ORDINANCE TO APPROVE MAP AMENDMENT APPLICATION Z-291, CONSISTING OF APPROXIMATELY 56 ACRES OF LAND KNOWN AS PARCELS D, E, F AND G AND FORMER MASTER PLANNED RIGHT-OF-WAY OF THE CASEY/GOSHEN TRACT, FROM E-1 (URBAN EMPLOYMENT) ZONE, C-2 (GENERAL COMMERCIAL) ZONE, R-A (LOW DENSITY RESIDENTIAL) ZONE AND R-18 (MEDIUM DENSITY RESIDENTIAL) ZONE TO THE MXD (MIXED USE DEVELOPMENT) ZONE, AND, FURTHER, TO APPROVE A SKETCH PLAN SUBMITTED, AS AMENDED, BEING PART OF THIS APPLICATION

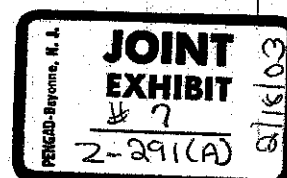
Z-291

BE IT ORDAINED, by the Mayor and Council of the City of Gaithersburg, in public meeting assembled, that they find the following facts from the evidence of record in the Zoning Map Amendment application Z-291.

1. This application, filed by Odyssey Development LLC ("applicant"), on behalf of the Betty Brown Casey Trust, is for the property identified as Parcels D, E, F, and G and former master planned right-of-way of the Casey/Goshen Tract (hereinafter referred to as the "Subject Property"). The Subject Property contains approximately 56 acres of land, and is located east of Goshen Road, between Mid-County Highway and Girard Street. The Subject Property is bounded on the south by Girard Street and Parcel N-182, on the west by Goshen Road, on the north by Mid-County Highway, Parcel 760 and Parcel 672, and on the east by Parcel 60 (which consists of a tributary to Whetstone Run and approximately 25 acres of existing City parkland), Parcel 210 and Parcel 260.

2. The Subject Properties were part of the June 7, 1971 annexation resolution R-21-71 for X-096 authorizing the annexation of approximately 169.0826 acres of land known as the Casey/Goshen Tract and affixing and establishing zoning. Ordinance O-16-81 approved comprehensive zoning map amendment application Z-223 reclassifying and establishing zoning and reducing the potential residential dwelling unit yield to 837 for the entire annexed properties. Resolution R-19-97 adopted an amendment to the general plan Neighborhood One amending map designations 1 and 5. A comprehensive zoning was last approved for the subject area in 1997 confirming the existing zoning of the property.

3. The Subject Property is located within Neighborhood One, Study Area 1: Map Designation 5 of the Master Plan. The Master Plan recommends that the parcels remain C-2, E-1 and R-18 unless rezoned to Mixed Use Development (MXD). The Master Plan re-designated Map Designation 5 as "commercial-office-residential on parcels D, E, and F will promote a mixed use development with retail uses around the existing Summit Shopping Center." A mix of residential units is envisioned for this area with "single-family



detached units encouraged to be developed along the stream valley buffer so as provide a buffer between the school and commercial development." These properties are included in the approved 837 unit count permitted for the Casey/Goshen Tract as per Ordinance O-16-81 that approved the comprehensive zoning map amendment application Z-223 establishing the existing zoning designations. The applicant is proposing 727 units for the subject properties, leaving a balance of 110 units to be used on the remaining designated areas of the annexed Casey/Goshen Tract.

4. The applicant, who is the contract purchaser of the Subject Property, is requesting a map amendment to rezone approximately 56 acres of land known as the Casey/Goshen Tract Parcels D, E, F, and G and former Master Planned right-of-way, in the City of Gaithersburg, from the existing E-1 (Urban Employment) Zone, C-2 (General Commercial) Zone, R-A (Low Density Residential) and R-18 (Medium Density Residential) Zone to the MXD (Mixed Use Development) Zone, per Section 24-196 of the City's zoning regulations.

5. As required by the provisions of the MXD Zone, the applicant has submitted a sketch plan consisting of "Sketch Plan Land Use", "Sketch Plan Green Area", "Sketch Plan Internal Roads", "Sketch Plan Circulation Systems" and "Sketch Plan Sharing" plans (collectively, "Sketch Plan") generally reflecting the location, type and intensity of forms of development, the location of proposed roads and pedestrian paths, important preservation and open space areas, areas to be devoted to public/private use and recreational facilities, as well as, depicting the boundaries of the site and adjacent/existing uses and facilities. The Applicant submitted an Amended Sketch Plan on January 19, 2001 ("Amended Sketch Plan"). The proposed development as reflected in the sketch plan as amended, for the Subject Property is eighteen (18) single-family detached dwelling units, one hundred forty six (146) single-family attached dwelling units, one hundred twelve (112) condominium two-over-two dwelling units, four hundred fifty one (451) multi-family dwelling units for a total of 727 dwelling units. The applicant is also proposing through this application for approval of the subject local map amendment and Amended Sketch Plan, off-site transportation improvements, vehicular and pedestrian connections to the adjacent/existing commercial area, off-site hiker/biker trails within the adjacent City parkland, no significant impact to the adjacent stream valley buffer, a bike lane along Mid-County Highway, traffic calming measures along Girard Street, streetscape improvements along Goshen Road, participation in the Art in Public Places program, two additional bus shelters and the dedication of Parcel G to the City.

6. The development shall be required to abide by the minimum location, development and parking standards and requirements of the MXD Zoning District.

7. A threshold consideration for rezoning requires the applicant to demonstrate either a change in the character of the neighborhood since the last comprehensive zoning or a mistake in the property's existing zoning. The existing zoning was confirmed by comprehensive zoning in 1997 following the adoption of the Neighborhood One Master Plan amendment. That master plan amendment which was the predicate and basis for the following comprehensive zoning adopted commercial-office-residential land use

zoning for the property. The master plan amendment recognized that development of the property was subject to an amended annexation agreement which allowed 837 dwelling units and permitted employment/commercial densities on the Casey - Goshen Tract, yet the comprehensive zoning in 1997 confirmed E-1 (employment), C-2 (general commercial) R-18 zoning and R-A zoning within formerly recommended rights-of-way instead of a zoning category which would have provided a mixed use development of the residential nature and density envisioned in the amended annexation agreement and master plan with proper controls. It was assumed during the adoption of the 1997 Neighborhood One Master Plan and subsequent comprehensive zoning action in Ordinance 0-10-97 that mixed use zoning would be appropriate for the subject property. The MXD Zone was viewed as the zone that was most appropriate in light of the land area available to achieve the Master Plan density. Retention of the existing zoning by the City Council in Ordinance 0-10-97 was a basic and actual mistake. Reclassification to the MXD Zone and approval of the accompanying Amended Sketch Plan would with appropriate conditions to the sketch plan approval rectify that mistake and satisfy the terms of the annexation agreement.

8. A second required consideration for rezoning to the MXD classification is whether the application and accompanying plan meets or accomplishes the purposes, objectives and minimum standards of the zone pursuant to Section 24-160.10 of the City Code and any other relevant standards relating to approval of this classification in Section 24-160D generally. The City Council has reviewed the evidence of record and agrees with the recommendations of the Planning Commission and City Staff for approval of the application and sketch plan.

The City Council finds that the application meets the purposes, objectives and standards of the MXD Zone as set forth in Section 24-160D.1 of the City Code. The proposed zoning and development implements the land use and density recommendations of the master plan. The development will be staged in an orderly fashion to mitigate impacts on public facilities, particularly public schools. Design flexibility has been achieved in terms of site layout, amenities and housing product and design. The internal road and pathway system achieves an integrated, compatible connection between all site areas under consideration as well as nearby commercial uses. The use proposed is efficient and compatible internally and externally in terms of unit type and location and produces a circulation system and pedestrian linkages throughout the project to all housing units types, open space and amenity areas. Preservation of nature features has been achieved in a satisfactory fashion and will be subject to more detailed reviews in the land use process.

As previously stated the application is in accord with the 1997 Neighborhood One Master Plan and the sketch plan produces internally and externally compatible land use with existing and planned uses within this development and adjacent areas. The application and sketch plan provides for a mix of residential types and densities. The more intense areas of the site are located away from lower density residential development in adjacent areas yet reflect a mix of housing types which produce a visually interesting and integrated residential development. The City Council therefore concludes

that the evidence reflects that the application meets the findings required to approve the MXD classification.

9. The City Council further finds that the 1997 Neighborhood One Master Plan recommended mixed use development for the subject property and recommended future development for the subject property under the MXD Zone as the most appropriate classification for comprehensive planning and development of this property. The subject application and accompanying Amended Sketch Plan therefore conform to the recommendations in the area master plan.

10. The City Council has also considered the impacts of this application upon the public facilities serving this area. This applicant has proposed with the input of City staff and county and state transportation planning officials a series of traffic mitigation measures, including considerable public road improvements. With the implementation of these transportation improvements which will be imposed as binding elements and conditions of approval of the Amended Sketch Plan, the City Council finds from the evidence of record that the Transportation facilities will be adequate to handle traffic generated by the development proposed in the Amended Sketch Plan.

The final area of the public facilities inquiry pertains to the impact of this project on public school facilities serving this area. The type of project intended based on comparable projects elsewhere in the county reflect an overall lower pupil yield, than traditional developments. However, the area elementary school and high school reflect rated capacity problems.

To affirmatively address school capacity questions that have been raised by the Application, the applicant has proposed an acceptable program of phasing development to mitigate the effects on school facilities to attempt to coordinate this development with planned capital improvements by the school system to relieve these conditions. The Mayor and Council therefore find that the construction and occupancy of the 727 units approved as a part of the Application shall be conditioned and such conditions shall be applicable to the approved Amended Sketch Plan and all schematic plan(s) and final site plan(s) for the Project. The Mayor and Council further find that in imposing these conditions all applicable requirements concerning the adequacy and/or capacity of schools to serve the Project are deemed to be satisfied.

The Mayor and Council further find that the adherence by the Applicant to the conditions set forth in this approval shall permit the Applicant to obtain all necessary approvals and permits, including building and use and occupancy permits for the commencement, continued construction, full build-out and occupancy of the Project without the necessity for future inquiry into the issues of school adequacy and/or occupancy.

11. Based upon the evidence of record, the City Council finds that approval of the subject property for the MXD Zone will provide for a comprehensive and systematic

development of the City and would be in the public interest. Therefore application Z-291 is granted.

12. Based upon the evidence of record, the City Council further finds that approval of the accompanying Amended Sketch Plan subject to imposition and implementation of the following conditions relating to phasing and occupancy of units and transportation facility improvements by the applicant, would be in the public interest and is hereby approved.

PHASING PROGRAM

The approved phasing schedule for construction and occupancy of the 727 dwelling units shall be implemented as follows:

DWELLING UNIT CONSTRUCTION AND OCCUPANCY PHASING PLAN

	<u>Phase I</u>	<u>Phase II</u>	<u>Phase III</u>	<u>Phase IV</u>
18 SFD			18	
451 Multi-Family Apartments		226	225	
112 Condo's		40	40	32
146 TH's	24	48	36	38

- a. Construction may commence on all Phase I units immediately upon the issuance of building permits; however, no units constructed as part of Phase I shall be occupied prior to June 15, 2003.
- b. Construction may commence on all Phase II units and the Phase III Apartments on or after January 1, 2002; however, no units in Phase II or the Phase III Apartments may be occupied prior to June 15, 2003.
- c. Construction may commence on the remainder of the Phase III units on or after January 2, 2002; however, no single-family dwellings, townhouses or condominiums from Phase III may be occupied prior to January 1, 2004.
- d. Construction may commence on all Phase IV units on or after January 1, 2002; however, no Phase IV units may be occupied prior to January 1, 2005.
- e. Applicant may petition the Mayor and City Council for approval to accelerate the Dwelling Unit Construction and Occupancy Phasing Plan. To grant an accelerated Dwelling Unit Construction and Occupancy Phasing Plan, the Mayor and City Council must find that schools are or will be adequate to

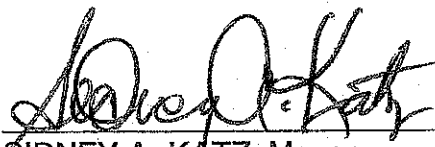
serve the Project under the proposed accelerated Dwelling Unit Construction and Occupancy Phasing Plan.

- f. Notwithstanding any actual future school construction or planned construction in the Gaithersburg Cluster, no further evaluations of school adequacy and/or capacity shall be required for full build-out and occupancy of the Project as long as the phasing plan provisions are met by the Applicant. The requirements of this phasing plan shall terminate upon the Applicant's completion and occupancy of Phase IV of this Project.
- g. The Applicant may proceed with clearing, grading, installation of the stormwater management, and other site preparation work and utility work on all or part of the property upon receipt of the required plan and permit approvals, and these activities are not intended to be conditioned or restricted by the Construction and Occupancy Phasing Plan.

TRANSPORTATION FACILITY IMPROVEMENT MEASURES.

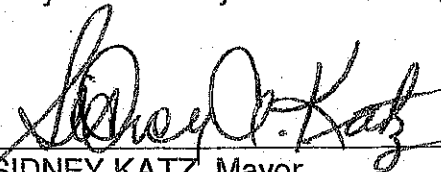
The Applicant shall undertake and complete all transportation facility improvements and actions stated in applicant's counsels letter to Jennifer Russell, Director of the City Planning and Code Enforcement Department dated May 7, 2001 as more fully detailed in Attachment 1 to such letter entitled "Hidden Creek Summary of Road Improvements Recommended by City and County" dated April 12, 2001 and Attachments 2(a), (b) and (c) to said letter of May 7, 2001 being collectively the consolidated recommendations from the Montgomery County Department of Public Works by letters dated October 26, 2000, December 11, 2001 and January 31, 2001 to planning and transportation officials of the City.

ADOPTED this 21st day of May, 2001 by the City Council of Gaithersburg, Maryland.



SIDNEY A. KATZ, Mayor
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this 21st day of May, 2001. APPROVED/~~VETOED~~ by the Mayor of the City of Gaithersburg, this 21st day of May, 2001.



SIDNEY KATZ, Mayor

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of the City of Gaithersburg, in public meeting assembled, on the 21st day of May, 2001 and that the same was approved by the Mayor of the City of Gaithersburg on the 21st day of May, 2001. This Ordinance will become effective on the 11th day of June, 2001.

A handwritten signature in black ink, appearing to read "D-B. Humpton", written over a horizontal line.

David B. Humpton, City Manager



CITY OF GAITHERSBURG
31 South Summit Avenue
Gaithersburg, Maryland 20877
Telephone: 301-258-6330

NOTICE OF PUBLIC HEARING

The City of Gaithersburg Mayor and Council and Planning Commission will conduct a public hearing at the time and place noted below.

Meeting: PUBLIC HEARING
Application Type: AMENDMENT TO REZONING SKETCH PLAN
File Number: Z-291(A)
Location: GOSHEN ROAD AND ODEN'HAL AVENUE
Applicant: HIDDEN CREEK I LLC, SANDLER AT HIDDEN CREEK LLC,
HIDDEN CREEK II LLC, CHURCHILL DEVELOPMENT CORP
Development: HIDDEN CREEK LAND BAY III
Day/ Date/Time: TUESDAY, FEBRUARY 18, 2003
Place: COUNCIL CHAMBERS, GAITHERSBURG CITY HALL
31 SOUTH SUMMIT AVENUE

IMPORTANT

This application requests to amend the approved Zoning Map Amendment Application Z-291 sketch plan known as Hidden Creek Land Bay III in the Mixed-Use Development (MXD) zone by reducing the unit count to 462 dwelling units (16 Single Family Detached, 330 Single Family Attached, and 116 2-over-2 Piggyback Condominium Units) on approximately 56 Acres of land. Contact the Planning and Code Administration City Planner (listed below) at (301) 258-6330 if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

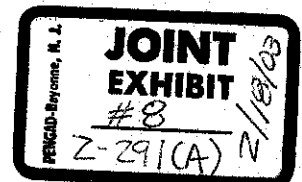
Joint Mayor and City Council and Planning Commission meetings can be viewed live on Gaithersburg Cable Television Channel 13, and at anytime (on demand) two weeks after the public hearing via the Internet and Web TV at <http://www.ci.gaithersburg.md.us>.

CITY OF GAITHERSBURG

By: 

Mark DePoe, Long-Range Planning Director
Planning and Code Administration

SEE LOCATION MAP ON REVERSE SIDE



NOTICES SENT THIS 10th DAY OF FEBRUARY, 2003 TO:

APPLICANT AND INTERESTED PARTIES

(A list of interested parties and agencies is available in the file at the Planning and Code Administration Office.)

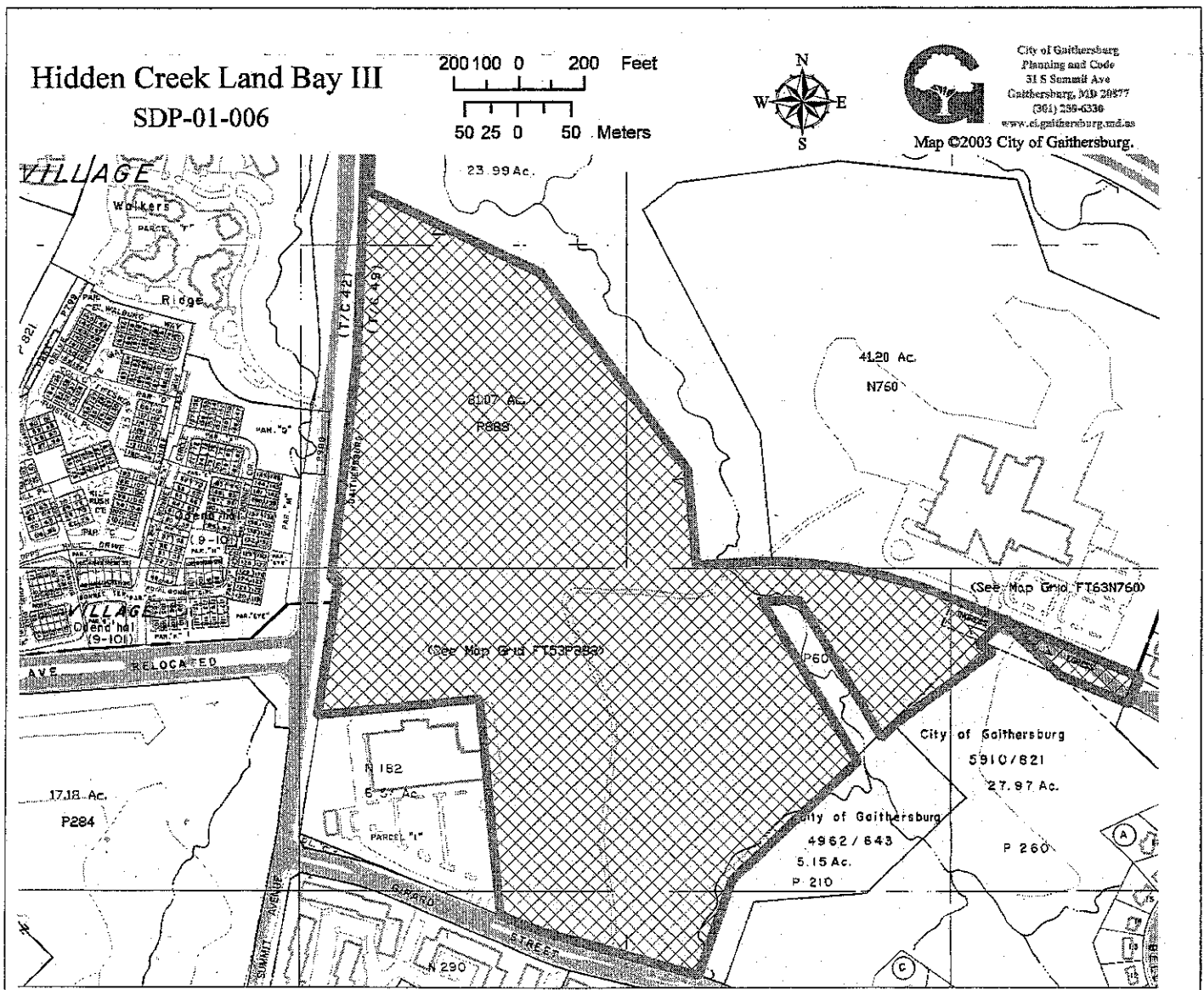
MAYOR AND COUNCIL

PLANNING COMMISSION

CITY STAFF

David B. Humpton, City Manager
Frederick J. Felton, Assistant City Manager
Tony Tomasello, Assistant City Manager
Stanley D. Abrams, City Attorney
Mary Beth Smith, Public Information Director
Doris Stokes, Administrative Assistant
Jeff Baldwin, City Web Administrator (via email)

LOCATION MAP



AMENDMENT TO THE ~~ZONING MAP~~ APPROVED SKETCH PLAN CASE Z-291

In accordance with Chapter 24, Article VIII of the City Code

Application No. Z-	<u>291(A)</u>
Filing Date	<u>Feb 12, 2003</u>
Fee	
PC Hearing	<u>2/18/03</u>
PC Recommendation	
M & CC Hearing	<u>2/18/03</u>
Decision	
Date	

SUBJECT PROPERTY HIDDEN CREEK LAND BAY IIIAddress (if none, the location with respect to streets) 55.0± AC. SITE BORDERED BY GOSHEN RD, GIRARD ST.
AND CITY PARK PROPERTY "PARCEL H".Lot _____ Block _____ Subdivision HIDDEN CREEK LAND BAY III

REQUESTED CHANGE

From the existing MXD Zone to the N/A Zone☐ Optional Method of Development (check if applicable)

*Note: The optional method is excluded from the RA Zone and the MXD Zone.

APPLICANT(S) HIDDEN CREEK I, LLC, SANDER AT HIDDEN CREEK, LLC, HIDDEN CREEK II, LLC, CHURCHILL DEVELOPMENT CORP.,Address C/O CENTEX HOMES 9007 SHADY GROVE CT. GAITHERSBURG, MD 20877 Telephone 301-987-2259OWNER(S) HIDDEN CREEK I, LLC, SANDER AT HIDDEN CREEK, LLC, CHURCHILL DEVELOPMENT CORP., HIDDEN CREEK II, LLC.Address C/O CENTEX HOMES 9007 SHADY GROVE CT. GAITHERSBURG, MD 20877 Telephone 301-987-2259

TAX ASSESSMENT INFORMATION

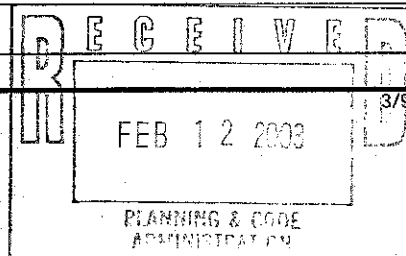
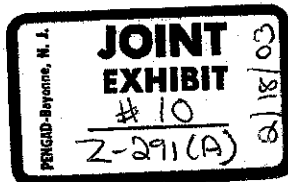
As shown on the tax docket of the State Department of Assessment and Taxation, Montgomery County, or on the Montgomery County, Maryland Real Estate Tax Bill.

DISTRICT SUBDIVISION	ACCOUNT NUMBER	LOT	BLOCK	ACRES/FEET	SUBDIVISION OR TRACT NAME
9-03346184	L-19393 F-190			35.04 AC.	HIDDEN CREEK, LAND BAY III
9-03346126	L-19393 F-190			0.18 AC.	" " " "
9-03346115	L-19393 F-190			0.0013 AC.	" " " "
9-03346137	L-19393 F-190			0.66 AC.	" " " "
9-03346172	L-19393 F-158			10.53 AC.	" " " "
9-03380240	L-21428 F-196			2.27 AC.	" " " "
9-03380251	L-21428 F-196			0.11 AC.	" " " "
9-03346161	L-19393 F-212			6.20 AC.	HIDDEN CREEK, LAND BAY III

List below the application numbers, date of filing, and actions taken on all applications filed within 3 years prior to this date for the reclassification of the whole or any part of the land above described.

APPLICATION #	DATE FILED	ACTION TAKEN
Z-291	8/13/00	REZONE FROM E-1, C-2, R-A, R-1B TO MXD ZONE

continued on reverse side



SUBMISSION REQUIREMENTS

- **Map or plat** prepared by registered surveyor or engineer showing land and existing buildings for which the map amendment is sought, the bordering properties, streets and street names, lot and block designations, north arrow and key map, age and location of existing buildings, property size in acres/square feet. The area which is the subject of the application should be outlined in red. (10 copies)
- **Legal metes and bounds** of property
- **Fee** (see separate schedule)
- **List of names and addresses** of all property owners within 200 feet of any boundary of subject property
- **Statement** demonstrating a change in the neighborhood or a mistake in the Master Plan

If Optional Method submit also:

- **Schematic Development Plan** (which needs to include):
 - Uses of all buildings and structures
 - Location, height, dimensions of all buildings, structures, and parking areas, dimensions of all buildings
 - Location of points of access to site
 - Existing topography (contours of not more than 5-foot intervals) 100-year flood plains, and other natural features
 - Utility Easements
 - Natural Resource Inventory (See Environmental Standards)
- **Proposed Covenant**
- **Statements:**

Applicant proposes to limit uses on the subject parcel to the following: RESIDENTIAL DEVELOPMENT
TO INCLUDE 16 S.F. DETACHED UNITS, 330 S.F. ATTACHED UNITS, 116 2/2 CONDO'S. 2 SWM FACILITIES,
ON-SITE ROADWAY IMPROVEMENTS, VARIOUS RECREATIONAL FACILITIES.

Applicant has submitted Schematic Development Plan which imposes the following limitations of development standards:

SEE UNDER SEPARATE COVER. WAIVER REQUEST FOR POAD CODE AND
ENVIRONMENTAL STANDARDS.

ADDITIONAL INFORMATION

Within five (5) days after filing the application, the applicant shall erect appropriate signs, posting notice of the requested zoning map amendment public hearing (per Section 24-196e of the City Code). The signs are made available to the applicant from the City staff and must remain posted until thirty (30) days after the decision on the application.

I have read and complied with the submission requirements and affirm that all statements contained herein are true and correct.

Applicant's Signature

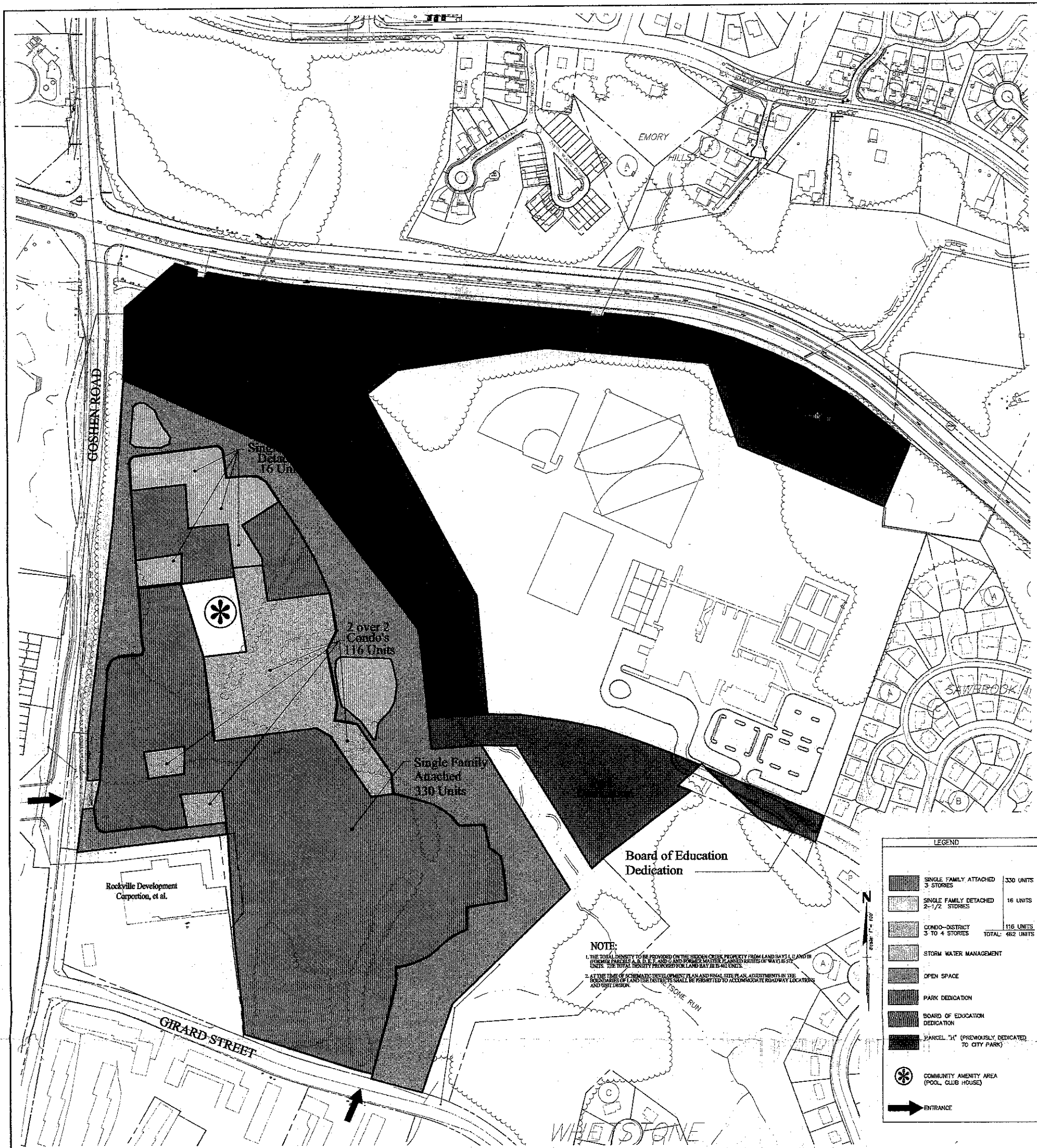
Date

2.12.03

Owner's Signature

Date

2.12.03



**AMENDED SKETCH PLAN
LAND USE**

City of Gaithersburg, Maryland

*Hidden
Creek*

R&A
RODGERS & ASSOCIATES, INC.

LAND USE CHALLENGER - PLANNING
CONSULTANTS - ARCHITECTS
ENVIRONMENTAL ANALYSIS, RECORDS

NO.	DATE	REVISION
1	10/1/00	INITIAL
2	10/1/00	REVISION
3	10/1/00	REVISION
4	10/1/00	REVISION
5	10/1/00	REVISION
6	10/1/00	REVISION
7	10/1/00	REVISION
8	10/1/00	REVISION
9	10/1/00	REVISION
10	10/1/00	REVISION

Z-291(A)
#9